

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA, LLC D/B/A/ IXO

Plaintiff,

vs.

MORGAN STANLEY, ET AL.,

Defendants.

6:09-CV-326-LED-JDL

REALTIME DATA, LLC D/B/A/ IXO

Plaintiff,

vs.

MORGAN STANLEY, ET AL.,

Defendants.

6:10-CV-248-LED-JDL

REALTIME DATA, LLC D/B/A/ IXO

Plaintiff,

vs.

MORGAN STANLEY, ET AL.,

Defendants.

6:09-CV-426-LED-JDL

**ORDER GRANTING AGREED MOTION TO DISMISS WITH PREJUDICE
AS TO THE BANK OF AMERICA PARTIES**

Before the Court is the Agreed Motion to Dismiss with Prejudice as to the Bank of America Parties.¹ After considering the Agreed Motion and finding that good cause exists for its entry, it is hereby

¹ “The Bank of America Parties” collectively refers to Defendants Bank of America Corporation,, Banc of America Securities LLC, Merrill Lynch & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith Incorporated.

ORDERED that the Complaints filed by Plaintiff Realtime Data, LLC D/B/A IXO against Defendants Bank of America Corporation, Banc of America Securities LLC, Merrill Lynch & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith Incorporated in the above-captioned cases, including all claims and causes of action asserted by Plaintiff Realtime Data, LLC D/B/A IXO against Defendants Bank of America Corporation, Banc of America Securities LLC, Merrill Lynch & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith Incorporated, are dismissed with prejudice to the Plaintiff to re-filing same. It is further

ORDERED that all Counterclaims filed by Defendants Bank of America Corporation, Banc of America Securities LLC, Merrill Lynch & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith Incorporated against Plaintiff Realtime Data, LLC D/B/A IXO are dismissed with prejudice to re-filing same. It is further

ORDERED that each of the parties to the Agreed Motion to Dismiss with Prejudice as to the Bank of America Parties is to bear its own costs and fees, including attorneys' fees.

So ORDERED and SIGNED this 3rd day of January, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE